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JAMES C. SIMMONS

Name

Signature

January 12, 2000

Date of signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Cohen et al

Serial no. 09/110,376

Filed: May 12, 1998

For: METHODS FOR IDENTIFYING OR DIAGNOSING CARCINOMA CELLS WITH METASTATIC POTENTIAL BASED ON THE MEASUREMENT OF LYMPHOID GENES OR THEIR PRODUCTS IN CARCINOMA CELLS

Examiner: Y. Eyler

Art Unit: 1642

RESPONSE TO RESTRICTION AND ELECTION REQUIREMENTS

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Office Action dated December 13, 1999, Applicant hereby elects to prosecute the following:

I. Claim 1 (Method of predicting)

This election is without prejudice to the right of Applicant to file a divisional application directed to the non-elected claims.

Further in response, Applicant elects, without prejudice to the right of Applicant to file a divisional application directed to the non-elected species,, species a (anti-ZAP compound) for prosecution on the merits if no generic claim is finally held to be allowable. Claims 3 and 4 are readable thereon.

It is respectfully submitted that claim 1 is patentably distinguishable over the references submitted in the Information Disclosure Statement mailed March 11, 1999. It is therefore respectfully requested that this application be passed to issue.

Respectfully submitted,

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